

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

UNITED STATES OF AMERICA

vs.

: NO. CR-2-08-242

JUDGE GREGORY L. FROST

**RONALD L. ZULLIG
JEAN A. ZULLIG**

**18 U.S.C. §2
18 U.S.C. §371
18 U.S.C. §1001
18 U.S.C. §1341
18 U.S.C. §1346
18 U.S.C. §1956(h)
18 U.S.C. §2314
18 U.S.C. §2315**

**SUPERSEDING
INDICTMENT**

THE GRAND JURY CHARGES:

CONSPIRACY TO COMMIT MAIL FRAUD

Count One:

1. From on or about early June 2000 through and including January 18, 2004, in the Southern District of Ohio and elsewhere, the Defendants, **RONALD L. ZULLIG, JEAN A. ZULLIG**, and unnamed co-conspirator #1 whose identity is known to the Grand Jury, did unlawfully, willfully and knowingly conspire, combine, confederate and agree with each other

and with other individuals to devise a scheme and artifice to obtain money or property and to deprive Ohio Central Railroad Incorporated (which includes its subsidiaries The Columbus & Ohio River Railroad Company; The Youngstown Belt Railroad Company; Ohio Southern Railroad Incorporated; The Pittsburgh & Ohio Central Railroad Company; The Columbus & Ohio River R.R. Co. CN Line; Ohio and Pennsylvania Railroad Company; and The Warren & Trumbull Railroad Company and will herein be referred to as "Ohio Central Railroad"), a company located in the Southern District of Ohio, the intangible right of honest services, by means of false and fraudulent pretenses, representations and promises, and for the purpose of executing and in order to effect the scheme and artifice to obtain money or property and to deprive the Ohio Central Railroad the intangible right of honest services, did knowingly cause to be sent, delivered, and moved by the United States Postal Service, fraudulent billing invoices and checks in violation of 18 U.S.C. §1341, §1346 and §2.

2. It was part of the conspiracy that **RONALD L. ZULLIG**, an employee of Ohio Central Railroad who was authorized to contract with independent contractors on behalf of Ohio Central Railroad for railroad repairs, upgrades, testing and equipment, would contact unnamed co-conspirator #1, an electrician operating as an independent contractor specializing in troubleshooting and repairs of railroad signals, and, purportedly acting on behalf of Ohio Central Railroad, contract with unnamed co-conspirator #1 to have unnamed co-conspirator #1 perform work for Ohio Central Railroad.

3. It was further part of the conspiracy that unnamed co-conspirator #1 would not perform the work for Ohio Central Railroad, but would, at **RONALD L. ZULLIG**'s direction, create and then send through the mail, billing invoices to the Ohio Central Railroad to give the

appearance as though unnamed co-conspirator #1 had performed the work and to conceal payments that unnamed co-conspirator #1 was making to **RONALD L. ZULLIG**.

4. It was further part of the conspiracy that **RONALD L. ZULLIG**, acting in his capacity with Ohio Central Railroad, would approve the billing invoices submitted by unnamed co-conspirator #1 and ensure disbursement of payments from Ohio Central Railroad, through the mail to unnamed co-conspirator #1 for the amount specified on the false billing invoices.

5. It was further part of the conspiracy that once unnamed co-conspirator #1 received the payments from Ohio Central Railroad, unnamed co-conspirator #1 would then either make a direct payment to **RONALD L. ZULLIG** or at **RONALD L. ZULLIG**'s direction and in order to avoid the appearance of impropriety and to conceal the payments to **RONALD L. ZULLIG**, write a check made payable **RONALD L. ZULLIG**'s wife **JEAN A. ZULLIG**, in which a portion of the fraudulent payments were returned to **RONALD L. ZULLIG**, through the mail, as a kickback. These checks were then deposited into **RONALD L. ZULLIG** and **JEAN A. ZULLIG**'s joint checking account.

6. It was further part of the conspiracy that **RONALD L. ZULLIG**, purportedly acting on behalf of Ohio Central Railroad, would contract with unnamed co-conspirator #1 to have unnamed co-conspirator #1 perform work for Ohio Central Railroad and that unnamed co-conspirator #1 would, on some occasions, actually perform the work for Ohio Central Railroad, but at **RONALD L. ZULLIG**'s direction, create and then send through the mail, billing invoices to the Ohio Central Railroad in which the price on the invoices was inflated to include the amount unnamed co-conspirator #1 would pay to **RONALD L. ZULLIG** as a kickback.

7. It was further part of the conspiracy that **RONALD L. ZULLIG**, acting in his

capacity with Ohio Central Railroad, in order to give the appearance as though unnamed co-conspirator #1 had performed the work and to conceal payments that unnamed co-conspirator #1 was making to **RONALD L. ZULLIG**, would approve the billing invoices submitted by unnamed co-conspirator #1 and ensure disbursement of payments from the Ohio Central Railroad to unnamed co-conspirator #1, through the mail, for the amount specified on the false billing invoices.

8. It was further part of the conspiracy that once unnamed co-conspirator #1 received the payments from Ohio Central Railroad, unnamed co-conspirator #1 would then either make a direct payment to **RONALD L. ZULLIG** or at **RONALD L. ZULLIG**'s direction and in order to avoid the appearance of impropriety and to conceal the payments to **RONALD L. ZULLIG**, write a check made payable **RONALD L. ZULLIG**'s wife **JEAN A. ZULLIG**, in which a portion of the fraudulent payments were returned to **RONALD L. ZULLIG**, through the mail, as a kickback. These checks were then deposited into **RONALD L. ZULLIG** and **JEAN A. ZULLIG**'s joint checking account.

9. It was further part of the conspiracy that **RONALD L. ZULLIG**, purportedly acting on behalf of Ohio Central Railroad, would contract with unnamed co-conspirator #1 to have unnamed co-conspirator #1 perform work for Ohio Central Railroad and that unnamed co-conspirator #1 would, on some occasions, actually perform the work for Ohio Central Railroad, and at **RONALD L. ZULLIG**'s direction, create and then send through the mail, billing invoices to the Ohio Central Railroad for costs of that work.

10. It was further part of the conspiracy that **RONALD L. ZULLIG**, acting in his capacity with Ohio Central Railroad, would approve the billing invoices submitted by unnamed

co-conspirator #1 and ensure disbursement of payments from the Ohio Central Railroad to unnamed co-conspirator #1 for the amount specified on those billing invoices.

11. It was further part of the conspiracy that once unnamed co-conspirator #1 received the payments from Ohio Central Railroad, unnamed co-conspirator #1 would then either make a direct payment to **RONALD L. ZULLIG** or at **RONALD L. ZULLIG**'s direction and in order to avoid the appearance of impropriety, write a check made payable **RONALD L. ZULLIG**'s wife **JEAN A. ZULLIG**, in which a portion of the payments were returned to **RONALD L. ZULLIG**, through the mail, as a kickback.

Overt Acts

12. In furtherance of the conspiracy listed in **Count One**, and to accomplish the objects thereof, one or more of the following overt acts were committed in the Southern District of Ohio and elsewhere:

a. On or about June 1, 2000, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 sent through the mail to Ohio Central Railroad, a billing invoice for \$2,550.00 for performing safety inspections and crossing checks on railroad lines in Warren, Youngstown, and Austintown OH. Upon receipt of the payment from Ohio Central Railroad, unnamed co-conspirator #1 paid **RONALD L. ZULLIG** a kickback of approximately \$1,000.00.

b. On or about December 8, 2000, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 sent through the mail to Ohio Central Railroad, a billing invoice for \$2,500.00 for the restoration and servicing of a surge protection and high frequency equipment at a railroad crossing in Warren, OH. Upon receipt of the payment from Ohio Central Railroad, unnamed co-conspirator #1 paid **RONALD L. ZULLIG** a kickback of approximately \$1,000.00.

c. On or about January 5, 2001, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 sent through the mail to Ohio Central Railroad, a billing invoice for \$4,375.00 for the testing and servicing of a surge arrestor and motion detector at a railroad crossing in Zanesville, OH. Upon receipt of the payment from Ohio Central Railroad, unnamed co-conspirator #1 paid **RONALD L. ZULLIG** a kickback of approximately \$1,500.00.

d. On or about February 17, 2001, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 sent through the mail to Ohio Central Railroad, a billing invoice for \$1,525.00 for restoring and re-activating a railroad crossing in Warren, OH. Unnamed co-conspirator #1 inflated the amount on the invoice to account for an agreed payment to be made to **RONALD L. ZULLIG**. Upon receipt of the payment from Ohio Central Railroad, unnamed co-conspirator #1 paid **RONALD L. ZULLIG** a kickback of approximately \$500.00.

e. On or about April 10, 2001, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 sent through the mail to Ohio Central Railroad, a billing invoice for \$2,750.00 for supplying equipment for an upgrade to a railroad crossing in Barrs Mills, OH. Unnamed co-conspirator #1 inflated the amount on the invoice to account for an agreed payment to be made to **RONALD L. ZULLIG**. Upon receipt of the payment from Ohio Central Railroad, unnamed co-conspirator #1 paid **RONALD L. ZULLIG** a kickback of approximately \$1,000.00.

f. On or about June 22, 2001, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 sent through the mail to Ohio Central Railroad, a billing invoice for \$2,750.00 for providing equipment and engineering information for the upgrade of a railroad crossing in Beech City, OH. Unnamed co-conspirator #1 did not supply a portion of the equipment listed on the invoice and inflated the amount on the invoice to account for an agreed payment to be made to

RONALD L. ZULLIG. Upon receipt of the payment from Ohio Central Railroad, unnamed co-conspirator #1 paid **RONALD L. ZULLIG** a kickback of approximately \$1,000.00.

g. On or about August 27, 2001, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 sent through the mail to Ohio Central Railroad, a billing invoice for \$4,875.00 for performing testing on the cables and wires at thirteen railroad crossings located in Ohio. Upon receipt of the payment from Ohio Central Railroad and at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 caused a check to be sent through the mail to **JEAN A. ZULLIG** for \$1300.00 as a kickback to **RONALD L. ZULLIG**.

h. On or about August 30, 2001, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 sent through the mail to Ohio Central Railroad, a billing invoice for \$2,475.00 for providing emergency backup modules, devices and lightning protection for the Youngstown Belt Railroad in Ohio. Unnamed co-conspirator #1 inflated the amount on the invoice to account for an agreed payment to be made to **RONALD L. ZULLIG**. Upon receipt of the payment from Ohio Central Railroad and at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 caused a check to be sent through the mail to **JEAN A. ZULLIG** for \$475.00 as a kickback to **RONALD L. ZULLIG**.

i. On or about October 31, 2001, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 sent through the mail to Ohio Central Railroad, a billing invoice for \$6,300 for repairing a flasher assembly at a railroad crossing in Warren, OH. Unnamed co-conspirator #1 inflated the amount on the invoice to account for an agreed payment to be made to **RONALD L. ZULLIG**. Upon receipt of the payment from Ohio Central Railroad, unnamed co-conspirator #1 paid **RONALD L. ZULLIG** a kickback of approximately \$3,000.00.

j. On or about November 17, 2001, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 sent through the mail to Ohio Central Railroad, a billing invoice for \$1900.00 for rehabilitating and repairing a defective flasher cable at a railroad crossing near Steubenville, OH. Unnamed co-conspirator #1 inflated the amount on the invoice to account for an agreed payment to be made to **RONALD L. ZULLIG**. Upon receipt of the payment from Ohio Central Railroad, unnamed co-conspirator #1 paid **RONALD L. ZULLIG** a kickback of approximately \$700.00.

k. On or about February 5, 2002, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 sent through the mail to **JEAN A. ZULLIG**, a check for \$500.00 as a kickback to **RONALD L. ZULLIG**, for railroad crossing inspections that unnamed co-conspirator #1 performed for Ohio Central Railroad.

l. On or about April 4, 2002, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 sent through the mail to **JEAN A. ZULLIG**, a check for \$600.00 as a kickback to **RONALD L. ZULLIG**, for railroad crossing inspections that unnamed co-conspirator #1 performed for Ohio Central Railroad.

m. On or about April 24, 2002, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 sent through the mail to **JEAN A. ZULLIG**, a check for \$600.00 as a kickback to **RONALD L. ZULLIG**, for railroad crossing inspections that unnamed co-conspirator #1 performed for Ohio Central Railroad.

n. On or about May 2, 2002, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 sent through the mail to Ohio Central Railroad, a billing invoice for \$1,900.00 for the installation of replacement cables and wires at a railroad crossing in Canonsburg, PA.

Unnamed co-conspirator #1 inflated the amount on the invoice to account for an agreed payment to be made to **RONALD L. ZULLIG**. Upon receipt of the payment from Ohio Central Railroad, unnamed co-conspirator #1 paid **RONALD L. ZULLIG** a kickback of approximately \$1,000.00.

o. On or about May 17, 2002, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 sent through the mail to Ohio Central Railroad, a billing invoice for \$3,000.00 for restoring a deactivated railroad crossing in Warren, OH. Unnamed co-conspirator #1 inflated the amount on the invoice to account for an agreed payment to be made to **RONALD L. ZULLIG**. Upon receipt of the payment from Ohio Central Railroad, unnamed co-conspirator #1 paid **RONALD L. ZULLIG** a kickback of approximately \$1,100.00.

p. On or about August 20, 2002, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 sent through the mail to Ohio Central Railroad, a billing invoice for \$7,250.00 for reconfiguring and re-engineering a damaged signal case and upgrading the corresponding lightning protection circuits at a railroad crossing in Arden, PA. Unnamed co-conspirator #1 inflated the amount on the invoice to account for an agreed payment to be made to **RONALD L. ZULLIG**. Upon receipt of the payment from Ohio Central Railroad, unnamed co-conspirator #1 paid **RONALD L. ZULLIG** a kickback of approximately \$3,000.00.

q. On or about September 30, 2002, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 sent through the mail to **JEAN A. ZULLIG**, a check for \$600.00 as a kickback to **RONALD L. ZULLIG**, for railroad crossing inspections that unnamed co-conspirator #1 performed for Ohio Central Railroad.

r. On or about October 29, 2002, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 sent through the mail to **JEAN A. ZULLIG**, a check for \$600.00 as a kickback

to **RONALD L. ZULLIG**, for railroad crossing inspections that unnamed co-conspirator #1 performed for Ohio Central Railroad.

s. On or about December 3, 2002, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 sent through the mail to **JEAN A. ZULLIG**, a check for \$600.00 as a kickback to **RONALD L. ZULLIG**, for railroad crossing inspections that unnamed co-conspirator #1 performed for Ohio Central Railroad.

t. On or about December 12, 2002, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 sent through the mail to Ohio Central Railroad, a billing invoice for \$825.00 for providing shunts to Ohio Central Railroad, work which unnamed co-conspirator #1 never performed. Upon receipt of the payment from Ohio Central Railroad, unnamed co-conspirator #1 paid **RONALD L. ZULLIG** a kickback of approximately \$825.00.

u. On or about December 15, 2002, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 sent through the mail to Ohio Central Railroad, a billing invoice for \$1,540.00 for repairing, replacing, and testing a flasher at a railroad crossing in Warren, OH. Unnamed co-conspirator #1 inflated the amount on the invoice to account for an agreed payment to be made to **RONALD L. ZULLIG**. Upon receipt of the payment from Ohio Central Railroad, on or about January 20, 2003, unnamed co-conspirator #1 paid **RONALD L. ZULLIG** a kickback of approximately \$500.00.

v. On or about January 27, 2003, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 sent through the mail to **JEAN A. ZULLIG**, a check for \$1,000.00 as a kickback to **RONALD L. ZULLIG**, for previous work and railroad crossing inspections that unnamed co-conspirator #1 performed for Ohio Central Railroad.

w. On or about January 30, 2003, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 sent through the mail to **JEAN A. ZULLIG**, a check for \$700.00 as a kickback to **RONALD L. ZULLIG**, for railroad crossing inspections that unnamed co-conspirator #1 performed for Ohio Central Railroad.

x. On or about March 5, 2003, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 sent through the mail to **JEAN A. ZULLIG**, a check for \$600.00 as a kickback to **RONALD L. ZULLIG**, for railroad crossing inspections that unnamed co-conspirator #1 performed for Ohio Central Railroad.

y. On or about March 5, 2003, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 sent through the mail to **JEAN A. ZULLIG**, a check for \$600.00 as a kickback to **RONALD L. ZULLIG**, for railroad crossing inspections that unnamed co-conspirator #1 performed for Ohio Central Railroad.

z. On or about March 10, 2003, at **RONALD L. ZULLIG**'s direction, #1 unnamed co-conspirator sent through the mail to Ohio Central Railroad, a billing invoice for \$1,575.00 for assisting repair of a crossing in Warren, OH. Unnamed co-conspirator #1 inflated the amount on the invoice to account for an agreed payment to be made to **RONALD L. ZULLIG**. Upon receipt of the payment from Ohio Central Railroad and at **RONALD L. ZULLIG**'S direction, on or about May 10, 2003, unnamed co-conspirator #1 caused to be sent through the mail to **JEAN A. ZULLIG**, a check for \$1,000.00 as a kickback to **RONALD L. ZULLIG**.

aa. On or about April 2, 2003, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 sent through the mail to **JEAN A. ZULLIG**, a check for \$600.00 as a kickback to **RONALD L. ZULLIG**, for railroad crossing inspections that unnamed co-conspirator #1

performed for Ohio Central Railroad.

bb. On or about April 2, 2003, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 sent through the mail to **JEAN A. ZULLIG**, a check for \$600.00 as a kickback to **RONALD L. ZULLIG**, for railroad crossing inspections that unnamed co-conspirator #1 performed for Ohio Central Railroad.

cc. On or about April 6, 2003, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 sent through the mail to Ohio Central Railroad, a billing invoice for \$2,850.00 for providing parts and servicing a radio switch at a railroad crossing in Coshocton, OH. Upon receipt of the payment from Ohio Central Railroad and at **RONALD L. ZULLIG**'S direction, on or about May 23, 2003, unnamed co-conspirator #1 caused to be sent through the mail to **JEAN A. ZULLIG**, a check for \$1,100.00 as a kickback to **RONALD L. ZULLIG**.

dd. On or about June 13, 2003, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 sent through the mail to Ohio Central Railroad, a billing invoice for \$10,425.00 for providing equipment and upgrading a railroad crossing in Hanover, OH. Unnamed co-conspirator #1 inflated the amount on the invoice to account for an agreed payment to be made to **RONALD L. ZULLIG**. Upon receipt of the payment from Ohio Central Railroad, on or about September 11, 2003, unnamed co-conspirator #1 paid **RONALD L. ZULLIG** a kickback of approximately \$4000.00.

ee. On or about July 12, 2003, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 sent through the mail to Ohio Central Railroad, a billing invoice for \$2,800.00 for providing parts and servicing a railroad crossing in Zanesville, OH. Unnamed co-conspirator #1 inflated the amount on the invoice to account for an agreed payment to be made to **RONALD**

L. ZULLIG. Upon receipt of the payment from Ohio Central Railroad, on or about September 11, 2003, unnamed co-conspirator #1 paid **RONALD L. ZULLIG** a kickback of approximately \$1000.00.

ff. On or about August 16, 2003, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 sent through the mail to Ohio Central Railroad, a billing invoice for \$850.00 for the repair and replacement of two shunts to the Ohio Central Railroad, work which unnamed co-conspirator #1 never performed. Upon receipt of the payment from Ohio Central Railroad, unnamed co-conspirator #1 paid **RONALD L. ZULLIG** a kickback of approximately \$850.00.

gg. On or about August 21, 2003, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 sent through the mail to Ohio Central Railroad, a billing invoice for \$627.50 for servicing and repairing a front-end assembly for Ohio Central Railroad. Unnamed co-conspirator #1 inflated the amount on the invoice to account for an agreed payment to be made to **RONALD L. ZULLIG**. Upon receipt of the payment from Ohio Central Railroad, unnamed co-conspirator #1 paid **RONALD L. ZULLIG** a kickback of approximately \$250.00.

hh. On or about October 8, 2003, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 sent through the mail to Ohio Central Railroad, a billing invoice for \$2,820.00 for servicing and repairing railroad crossing in Warren, OH. Unnamed co-conspirator #1 inflated the amount on the invoice to account for an agreed payment to be made to **RONALD L. ZULLIG**. Upon receipt of the payment from Ohio Central Railroad, on or about November 6, 2003, unnamed co-conspirator #1 paid **RONALD L. ZULLIG** a kickback of approximately \$1,500.00.

ii. On or about October 9, 2003, at **RONALD L. ZULLIG**'s direction, unnamed

co-conspirator #1 sent through the mail to Ohio Central Railroad, a billing invoice for \$7,900.00 for providing equipment and installing and repairing a hot box detector at a railroad crossing in Coshocton, OH. Unnamed co-conspirator #1 inflated the amount on the invoice to account for an agreed payment to be made to **RONALD L. ZULLIG**. Upon receipt of the payment from Ohio Central Railroad, on or about November 28, 2003, unnamed co-conspirator #1 paid **RONALD L. ZULLIG** a kickback of approximately \$3,000.00.

jj. On or about December 23, 2003, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 sent through the mail to Ohio Central Railroad, a billing invoice for \$1,575.00 for the repair and replacement of three shunts to the Ohio Central Railroad, work which unnamed co-conspirator #1 never performed. Upon receipt of the payment from Ohio Central Railroad, on or about January 13, 2004, unnamed co-conspirator #1 paid **RONALD L. ZULLIG** a kickback of approximately \$1,000.00.

kk. On or about January 18, 2004, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #1 sent through the mail to **JEAN A. ZULLIG**, a check for \$200.00 as a kickback to **RONALD L. ZULLIG**, for previous work that unnamed co-conspirator #1 performed for Ohio Central Railroad.

All in violation of 18 U.S.C. §371.

Count Two

Conspiracy to Commit Money Laundering

13. From on or about September 22, 2001, through and including January 18, 2004, in the Southern District of Ohio and elsewhere, the Defendants, **RONALD L. ZULLIG**, **JEAN A. ZULLIG**, and unnamed co-conspirator #1, did unlawfully, willfully and knowingly conspire,

combine, confederate and agree with each other to conduct financial transactions affecting interstate commerce which involved the proceeds of a specified unlawful activity, that is, mail fraud, in violation of 18 U.S.C. §1341, knowing these financial transactions were designed in whole or part to disguise the nature, source, or ownership of the proceeds of this unlawful activity and that while conducting and attempting to conduct said financial transactions, **RONALD L. ZULLIG, JEAN A. ZULLIG**, and unnamed co-conspirator #1 knew that the funds involved in the financial transactions represented the proceeds of some form of unlawful activity.

14. It was part of the conspiracy that **RONALD L. ZULLIG**, an employee of Ohio Central Railroad who was authorized to contract with independent contractors on behalf of Ohio Central Railroad for railroad repairs, upgrades, testing and equipment, would contact unnamed co-conspirator #1 and have unnamed co-conspirator #1 perform work for Ohio Central Railroad. Unnamed co-conspirator #1 would then pay **RONALD L. ZULLIG** a kickback in exchange for **RONALD L. ZULLIG** providing and continuing to provide unnamed co-conspirator #1 the work for Ohio Central Railroad.

15. It was part of the conspiracy that in an effort to conceal the unlawful kickbacks, **RONALD L. ZULLIG** eventually directed unnamed co-conspirator #1 to begin making the kickback payments to **RONALD L. ZULLIG** 's wife, **JEAN A. ZULLIG**, by writing checks to **JEAN A. ZULLIG**, which unnamed co-conspirator #1 did, beginning in August of 2001.

16. It was further part of the conspiracy that in an effort to conceal the unlawful kickbacks, **RONALD L. ZULLIG** and **JEAN A. ZULLIG** would, upon receipt of payments

made by unnamed co-conspirator #1 by check, deposit the checks into the joint-checking account of **RONALD L. ZULLIG** and **JEAN A. ZULLIG**. Both **RONALD L. ZULLIG** and **JEAN A. ZULLIG** would then access the funds by writing checks and making withdrawals from the account. The preceding facts are incorporated by reference into the **Overt Acts**, which are set forth in table form:

Overt Acts

17. In furtherance of the conspiracy listed in **Count Two**, and to accomplish the objects thereof, one or more of the following overt acts, namely the mailing of checks from unnamed co-conspirator #1 to **RON L. ZULLIG** and **JEAN A. ZULLIG**, set forth in the table below, were committed in the Southern District of Ohio and elsewhere:

| OVERT ACT | DATE OF CHECK | AMOUNT OF CHECK | CHECK NUMBER | PAYEE ON CHECK |
|------------------|----------------------|------------------------|---------------------|-----------------------|
| a. | 09/22/2001 | \$1,300.00 | 921 | JEAN A. ZULLIG |
| b. | 09/22/2001 | \$475.00 | 922 | JEAN A. ZULLIG |
| c. | 10/09/2001 | \$1,800.00 | 939 | JEAN A. ZULLIG |
| d. | 10/09/2001 | \$360.00 | 940 | JEAN A. ZULLIG |
| e. | 12/09/2001 | \$1,000.00 | 967 | JEAN A. ZULLIG |
| f. | 12/14/2001 | \$1,500.00 | 977 | JEAN A. ZULLIG |
| g. | 12/15/2001 | \$1,000.00 | 989 | JEAN A. ZULLIG |
| h. | 02/05/2002 | \$500.00 | 6221 | JEAN A. ZULLIG |
| i. | 02/05/2002 | \$2,000.00 | 6222 | JEAN A. ZULLIG |
| j. | 03/25/2002 | \$1,500.00 | 997 | JEAN A. ZULLIG |
| k. | 04/04/2002 | \$600.00 | 1006 | JEAN A. ZULLIG |
| l. | 04/24/2002 | \$600.00 | 1007 | JEAN A. ZULLIG |
| m. | 05/17/2002 | \$900.00 | 6345 | JEAN A. ZULLIG |
| n. | 05/17/2002 | \$600.00 | 6346 | JEAN A. ZULLIG |

| | | | | |
|-----|------------|------------|------|----------------|
| o. | 06/10/2002 | \$600.00 | 1052 | JEAN A. ZULLIG |
| p. | 07/17/2002 | \$2,400.00 | 1066 | JEAN A. ZULLIG |
| q. | 08/06/2002 | \$600.00 | 6422 | JEAN A. ZULLIG |
| r. | 08/28/2002 | \$600.00 | 1084 | JEAN A. ZULLIG |
| s. | 09/10/2002 | \$1,250.00 | 1097 | JEAN A. ZULLIG |
| t. | 09/22/2002 | \$3,000.00 | 1098 | JEAN A. ZULLIG |
| u. | 09/30/2002 | \$600.00 | 1103 | JEAN A. ZULLIG |
| v. | 10/29/2002 | \$600.00 | 1110 | JEAN A. ZULLIG |
| w. | 11/22/2002 | \$400.00 | 6540 | JEAN A. ZULLIG |
| x. | 12/03/2002 | \$600.00 | 1116 | JEAN A. ZULLIG |
| y. | 12/13/2002 | \$2,000.00 | 1118 | JEAN A. ZULLIG |
| z. | 12/12/2002 | \$2,000.00 | 1119 | JEAN A. ZULLIG |
| aa. | 12/31/2002 | \$600.00 | 6583 | JEAN A. ZULLIG |
| bb. | 01/27/2003 | \$1,000.00 | 1136 | JEAN A. ZULLIG |
| cc. | 01/30/2003 | \$700.00 | 1138 | JEAN A. ZULLIG |
| dd. | 03/05/2003 | \$600.00 | 6647 | JEAN A. ZULLIG |
| ee. | 03/05/2003 | \$600.00 | 6648 | JEAN A. ZULLIG |
| ff. | 03/24/2003 | \$300.00 | 6680 | JEAN A. ZULLIG |
| gg. | 04/02/2003 | \$600.00 | 1159 | JEAN A. ZULLIG |
| hh. | 04/02/2003 | \$600.00 | 1160 | JEAN A. ZULLIG |
| ii. | 05/10/2003 | \$1,000.00 | 6722 | JEAN A. ZULLIG |
| jj. | 05/23/2003 | \$1,100.00 | 1184 | JEAN A. ZULLIG |
| kk. | 06/19/2003 | \$800.00 | 1202 | JEAN A. ZULLIG |
| ll. | 07/14/2003 | \$200.00 | 1209 | JEAN A. ZULLIG |
| mm. | 08/28/2003 | \$1,700.00 | 1220 | JEAN A. ZULLIG |
| nn. | 09/11/2003 | \$2,450.00 | 6879 | JEAN A. ZULLIG |
| oo. | 09/12/2003 | \$2,550.00 | 6881 | JEAN A. ZULLIG |
| pp. | 10/10/2003 | \$500.00 | 6948 | JEAN A. ZULLIG |
| qq. | 11/13/2003 | \$1,800.00 | 6977 | JEAN A. ZULLIG |
| rr. | 11/28/2003 | \$3,800.00 | 7015 | JEAN A. ZULLIG |

| | | | | |
|-----|------------|----------|------|----------------|
| ss. | 01/18/2004 | \$200.00 | 1233 | JEAN A. ZULLIG |
|-----|------------|----------|------|----------------|

All in violation of 18 U.S.C. 1956(h).

Mail Fraud

(Counts Three through Seven)

18. From on or about August 24, 2004, through and including November 14, 2005, within the Southern District of Ohio and elsewhere: the defendant, **RONALD L. ZULLIG** and unnamed co-conspirator #2, whose identity is known to the Grand Jury, did unlawfully, willfully and knowingly devise a scheme and artifice to obtain money or property or services and to deprive Ohio Central Railroad the intangible right of honest services, by means of false and fraudulent pretenses, representations and promises, and for the purpose of executing and in order to effect the scheme and artifice to obtain money or property and to deprive the Ohio Central Railroad the intangible right of honest services, did knowingly cause to be sent, delivered, and moved by the United States Postal Service, fraudulent billing invoices and checks in violation of 18 U.S.C. §1341, §1346 and §2.

19. It was part of the scheme that **RONALD L. ZULLIG**, an employee of the Ohio Central Railroad who was authorized to contract with independent contractors on behalf of the Ohio Central Railroad for railroad repairs and upgrades, would contact unnamed co-conspirator #2, a welder operating as an independent contractor specializing in metal fabrication, and purportedly acting on behalf of Ohio Central Railroad, contract with unnamed co-conspirator #2 to have unnamed co-conspirator #2 perform work for the Ohio Central Railroad. According to unnamed co-conspirator #2, at first, he performed work for **RONALD L. ZULLIG** at the

Zullig farm and presented the bill to **RONALD L. ZULLIG**. Rather than pay unnamed co-conspirator #2, **RONALD L. ZULLIG** directed unnamed co-conspirator #2 to submit invoices to the Ohio Central Railroad to cover the cost incurred by **RONALD L. ZULLIG** for the work done on the farm. Later, at **RONALD L. ZULLIG**'s direction, unnamed co-conspirator #2 would simply bill Ohio Central Railroad directly for work unnamed co-conspirator #2 would do for **RONALD L. ZULLIG** at the Zullig farm.

20. It is further part of the scheme that **RONALD L. ZULLIG**, acting in his capacity with the Ohio Central Railroad, would approve the billing invoices submitted by unnamed co-conspirator #2 and ensure disbursement of payments from the Ohio Central Railroad, through the mail, to unnamed co-conspirator #2 for the amount specified on the false billing invoices for work that was not performed for the benefit of Ohio Central Railroad. The preceding facts are incorporated by reference into counts **Three** through **Seven**.

Count Three:

21. On or about August 24, 2004, **RONALD L. ZULLIG**, having devised the above-described scheme and artifice to obtain money or property by means of false pretenses, for the purpose of executing and in order to effect the scheme and artifice to obtain money or property, did knowingly cause to be sent, delivered, and moved by the United States Postal Service a check for \$675.42 from Ohio Central Railroad for work unnamed co-conspirator #2 performed on the Zullig family farm for the benefit of **RONALD L. ZULLIG**.

Count Four:

22. On or about July 6, 2005, **RONALD L. ZULLIG**, having devised the above-described scheme and artifice to obtain money or property by means of false pretenses,

for the purpose of executing and in order to effect the scheme and artifice to obtain money or property, did knowingly cause to be sent, delivered, and moved by the United States Postal Service a check for \$1975.00 from Ohio Central Railroad for work unnamed co-conspirator #2 performed on the Zullig family farm for the benefit of **RONALD L. ZULLIG**.

Count Five:

23. On or about September 8, 2005, **RONALD L. ZULLIG**, having devised the above-described scheme and artifice to obtain money or property by means of false pretenses, for the purpose of executing and in order to effect the scheme and artifice to obtain money or property, did knowingly cause to be sent, delivered, and moved by the United States Postal Service a check for \$310.00 from Ohio Central Railroad for work unnamed co-conspirator #2 performed on the Zullig family farm for the benefit of **RONALD L. ZULLIG**.

Count Six:

24. On or about October 25, 2005, **RONALD L. ZULLIG**, having devised the above-described scheme and artifice to obtain money or property by means of false pretenses, for the purpose of executing and in order to effect the scheme and artifice to obtain money or property, did knowingly cause to be sent, delivered, and moved by the United States Postal Service a check for \$438.17 from Ohio Central Railroad for work unnamed co-conspirator #2 performed on the Zullig family farm for the benefit of **RONALD L. ZULLIG**.

Count Seven:

25. On or about November 1, 2005, **RONALD L. ZULLIG**, having devised the above-described scheme and artifice to obtain money or property by means of false pretenses, for the purpose of executing and in order to effect the scheme and artifice to obtain money or

property, did knowingly cause to be sent, delivered, and moved by the United States Postal Service a check for \$638.31 from Ohio Central Railroad for work unnamed co-conspirator #2 performed on the Zullig family farm for the benefit of **RONALD L. ZULLIG**.

All in violation of 18 U.S.C. §1341, §1346 and §2.

Additional Mail Fraud

(Counts Eight through Sixty-Three)

26. From on or about January 14, 2004, through and including October 24, 2005, in the Southern District of Ohio and elsewhere, the defendant **RONALD L. ZULLIG**, did unlawfully, willfully and knowingly devise a scheme and artifice to obtain money or property by means of false and fraudulent pretenses, representations and promises and to deprive Ohio Central Railroad the intangible right of honest services, and for the purpose of executing and in order to effect the scheme and artifice to obtain money or property and to deprive Ohio Central Railroad the intangible right of honest services, did, using wire in interstate commerce, knowingly cause to be sent, delivered, and moved by the United States Postal Service, fraudulent billing invoices and personal checks, in violation of 18 U.S.C. §1341, §1346 and §2.

27. It was part of the scheme and artifice to obtain money or property that **RONALD L. ZULLIG**, an employee of the Ohio Central Railroad who was authorized to contract with independent contractors on behalf of Ohio Central Railroad for railroad repairs, upgrades, and testing, would contact Witness 1, the owner of an unnamed Arizona Company which specialized in, developed and sold advance warning systems for railroad crossings. Using wire in interstate commerce, **RONALD L. ZULLIG** would misrepresent to the unnamed Arizona Company that **RONALD L. ZULLIG** was providing parts, equipment and labor to Ohio Central Railroad.

RONALD L. ZULLIG would then direct Witness 1 to create billing invoices which would give the appearance that the unnamed Arizona Company had provided those parts, equipment and labor to Ohio Central Railroad, when in fact, neither Witness 1 nor the unnamed Arizona Company ever provided such parts, equipment and labor.

28. It was further part of the artifice and scheme that at **RONALD L. ZULLIG's** direction, Witness 1 would send or cause to be sent the fraudulent billing invoices through the mail to the Ohio Central Railroad to give the appearance as though the unnamed Arizona Company had provided the parts, equipment and labor listed on the invoices.

29. It was further part of the conspiracy that **RONALD L. ZULLIG**, acting in his capacity with Ohio Central Railroad, would receive and approve the billing invoices submitted by the unnamed Arizona Company and ensure disbursement of payments from the Ohio Central Railroad, through the mail to the unnamed Arizona Company for the false billing invoices, knowing that **RONALD L. ZULLIG** had not performed the work or provided the parts and equipment listed on the billing invoices.

30. It was further part of the conspiracy that once Witness 1 received the payments from Ohio Central Railroad on behalf of the unnamed Arizona Company, Witness 1 would at **RONALD L. ZULLIG's** direction, keep a portion of the payment as a "processing fee" and send through the mail, checks made payable to **RONALD L. ZULLIG** for the balance of the payments from Ohio Central Railroad. The preceding facts are incorporated by reference into counts **Eight** through **Sixty-Three**, which are set forth in table form. On or about the dates listed below, the defendant **RONALD L. ZULLIG**, having devised the above scheme and artifice to obtain money or property by means of false and fraudulent pretenses, representations and

promises and to deprive Ohio Central Railroad the intangible right of honest services, caused the unnamed Arizona Company to sent the indicated billing invoices to Ohio Central Railroad via the U.S. Mail:

| COUNT | DATE SENT | ITEM | AMOUNT | SENDER | SENT VIA |
|-----------|-------------|-----------------|------------|-------------------------|-----------|
| EIGHT | 01/14/2004 | BILLING INVOICE | \$1,290.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| NINE | 02/20/2004 | BILLING INVOICE | \$936.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| TEN | 02/21/2004 | BILLING INVOICE | \$1,335.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| ELEVEN | 03/02/2004 | BILLING INVOICE | \$1,755.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| TWELVE | 03/09/2004 | BILLING INVOICE | \$733.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| THIRTEEN | 04/01/2004 | BILLING INVOICE | \$1,800.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| FOURTEEN | 04/02/2004 | BILLING INVOICE | \$915.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| FIFTEEN | 04/023/2004 | BILLING INVOICE | \$885.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| SIXTEEN | 05/03/2004 | BILLING INVOICE | \$930.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| SEVENTEEN | 06/14/2004 | BILLING INVOICE | \$475.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| EIGHTEEN | 06/16/2004 | BILLING INVOICE | \$750.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |

| | | | | | |
|--------------|------------|-----------------|------------|-------------------------|-----------|
| NINETEEN | 07/07/2004 | BILLING INVOICE | \$1,482.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| TWENTY | 07/12/2004 | BILLING INVOICE | \$855.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| TWENTY-ONE | 07/27/2004 | BILLING INVOICE | \$9,200.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| TWENTY-TWO | 09/15/2004 | BILLING INVOICE | \$805.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| TWENTY-THREE | 09/16/2004 | BILLING INVOICE | \$940.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| TWENTY-FOUR | 09/17/2004 | BILLING INVOICE | \$1,038.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| TWENTY-FIVE | 09/20/2004 | BILLING INVOICE | \$6,450.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| TWENTY-SIX | 10/05/2004 | BILLING INVOICE | \$802.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| TWENTY-SEVEN | 11/08/2004 | BILLING INVOICE | \$3,600.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| TWENTY-EIGHT | 11/29/2004 | BILLING INVOICE | \$878.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| TWENTY-NINE | 12/14/2004 | BILLING INVOICE | \$670.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| THIRTY | 01/11/2005 | BILLING INVOICE | \$807.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| THIRTY-ONE | 01/18/2005 | BILLING INVOICE | \$580.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| THIRTY-TWO | 01/18/2005 | BILLING INVOICE | \$972.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |

| | | | | | |
|--------------|------------|-----------------|------------|-------------------------|-----------|
| THIRTY-THREE | 01/24/2005 | BILLING INVOICE | \$4,830.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| THIRTY-FOUR | 01/24/2005 | BILLING INVOICE | \$630.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| THIRTY-FIVE | 02/14/2005 | BILLING INVOICE | \$314.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| THIRTY-SIX | 02/14/2005 | BILLING INVOICE | \$575.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| THIRTY-SEVEN | 02/18/2005 | BILLING INVOICE | \$800.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| THIRTY-EIGHT | 03/01/2005 | BILLING INVOICE | \$385.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| THIRTY-NINE | 03/11/2005 | BILLING INVOICE | \$485.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| FORTY | 03/14/2005 | BILLING INVOICE | \$853.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| FORTY-ONE | 03/18/2005 | BILLING INVOICE | \$9,300.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| FORTY-TWO | 03/29/2005 | BILLING INVOICE | \$570.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| FORTY-THREE | 04/18/2005 | BILLING INVOICE | \$1,560.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| FORTY-FOUR | 05/09/2005 | BILLING INVOICE | \$2,630.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| FORTY-FIVE | 05/09/2005 | BILLING INVOICE | \$620.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| FORTY-SIX | 05/24/2005 | BILLING INVOICE | \$878.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |

| | | | | | |
|-------------|------------|-----------------|------------|-------------------------|-----------|
| FORTY-SEVEN | 06/14/2005 | BILLING INVOICE | \$6,900.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| FORTY-EIGHT | 06/14/2005 | BILLING INVOICE | \$2,100.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| FORTY-NINE | 06/14/2005 | BILLING INVOICE | \$990.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| FIFTY | 06/27/2005 | BILLING INVOICE | \$1,286.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| FIFTY-ONE | 06/27/2005 | BILLING INVOICE | \$1,640.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| FIFTY-TWO | 07/11/2005 | BILLING INVOICE | \$285.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| FIFTY-THREE | 07/11/2005 | BILLING INVOICE | \$1,085.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| FIFTY-FOUR | 07/12/2005 | BILLING INVOICE | \$900.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| FIFTY-FIVE | 07/15/2005 | BILLING INVOICE | \$3,800.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| FIFTY-SIX | 07/28/2005 | BILLING INVOICE | \$4,300.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| FIFTY-SEVEN | 08/02/2005 | BILLING INVOICE | \$9,300.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| FIFTY-EIGHT | 09/19/2005 | BILLING INVOICE | \$740.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| FIFTY-NINE | 09/19/2005 | BILLING INVOICE | \$780.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| SIXTY | 09/26/2005 | BILLING INVOICE | \$355.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |

| | | | | | |
|-------------|------------|--------------------|-----------|-------------------------------|-----------|
| SIXTY-ONE | 09/26/2005 | BILLING INVOICE | \$495.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| SIXTY-TWO | 10/03/2005 | BILLING INVOICE | \$945.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |
| SIXTY-THREE | 10/24/2005 | BILLING INVOICE | \$1255.00 | UNNAMED ARIZONA COMPANY | U.S. MAIL |

All in violation of 18 U.S.C. §1341, §1346 and §2.

Interstate Transportation and Sale of Stolen Property

31. On or about between December 8, 2005, and January 19, 2006, the defendant, **RONALD L. ZULLIG**, did unlawfully, willfully and knowingly ship or have shipped in interstate commerce from the Southern District of Ohio into the State of New York, stolen goods, that is, parts and equipment he knew belonged to Ohio Central Railroad, without the knowledge or consent of Ohio Central Railroad. In January of 2006, **RONALD L. ZULLIG** then unlawfully, willfully and knowingly sold or caused to be sold, these same stolen goods, that is, parts and equipment he knew belonged to Ohio Central Railroad. **RONALD L. ZULLIG**, then, in an effort to conceal his involvement in the sale, instructed the purchaser to render the proceeds of the sale of the stolen property as payment to **RONALD L. ZULLIG** by a check made payable to his father John Zullig.

32. Additionally, on or about between February 17, 2006, and June 27, 2006, the defendant, **RONALD L. ZULLIG** did unlawfully, willfully and knowingly ship or have shipped in interstate commerce from the Southern District of Ohio into the State of Texas, stolen goods, that is, parts and equipment he knew belonged to Ohio Central Railroad, without the knowledge

or consent of Ohio Central Railroad. In July of 2006, **RONALD L. ZULLIG** then unlawfully, willfully and knowingly sold or caused to be sold, these same stolen goods, that is, parts and equipment he knew belonged to Ohio Central Railroad. **RONALD L. ZULLIG**, then, in an effort to conceal his involvement in the sale, instructed the purchaser to render the proceeds of the sale of the stolen property as payment to **RONALD L. ZULLIG** by checks made payable to **JEAN A. ZULLIG**. The preceding facts are incorporated by reference into counts **Sixty-Four** through **Sixty-Seven**.

Count Sixty-Four:

33. On or about December 8, 2005, in the Southern District of Ohio and elsewhere, the defendant, **RONALD L. ZULLIG** did unlawfully transport or cause to be transported in interstate commerce from Coshocton, State of Ohio, to Falconer, State of New York, stolen goods, wares and merchandise, that is, hot box detector components, of a value of \$5,000 or more, knowing the same to have been stolen.

In violation of 18 U.S.C. §2314 and §2.

Count Sixty-Five:

34. On or about February 14, 2006, in the Southern District of Ohio and elsewhere, the defendant, **RONALD L. ZULLIG** did unlawfully transport or cause to be transported in interstate commerce from Coshocton, State of Ohio, to Ft. Worth, State of Texas, stolen goods, wares and merchandise, that is, a grade crossing control device, of a value of \$5,000 or more, knowing the same to have been stolen.

In violation of 18 U.S.C. §2314 and §2.

Count Sixty-Six:

35. On or about, June 27, 2006, in the Southern District of Ohio and elsewhere, the defendant, **RONALD L. ZULLIG**, did unlawfully transport or cause to be transported in interstate commerce from Coshocton, State of Ohio, to Ft. Worth, State of Texas, stolen goods, wares and merchandise, that is, a grade crossing control device, of a value of \$5,000 or more, knowing the same to have been stolen.

In violation of 18 U.S.C. §2314 and §2.

Count Sixty-Seven:

36. On or about January 19, 2006, in the Southern District of Ohio and elsewhere, the defendant, **RONALD L. ZULLIG**, did sell or caused to be sold certain stolen property, is that hot box detector components, of a value of \$5,000 or more which property had crossed a State boundary after being stolen, to wit, said property being stolen on or about December 8, 2005, in Coshocton, Ohio, and subsequently brought into the State of New York, knowing the same to have been stolen.

In violation of 18 U.S.C. §2315 and §2.

False Statement

Count Sixty-Eight:

37. On or about August 1, 2006, in the Southern District of Ohio, in a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States, the defendant, **RONALD L. ZULLIG**, knowingly and willfully made a false and fraudulent material statement and representation, in that **RONALD L. ZULLIG** stated he had never directed unnamed co-conspirator #1 listed in **Count One** to submit invoices for work which unnamed co-

conspirator #1 had not done, when **RONALD L. ZULLIG** had knowingly and willfully directed unnamed co-conspirator #1 to submit invoices in 2003 for work **RONALD L. ZULLIG** knew unnamed co-conspirator #1 had not performed.

In violation of 18 U.S.C. §1001.

FORFEITURE COUNT

38. The allegations of Count(s) **One** through **Sixty-Seven** are realleged and by this reference fully incorporated herein for the purpose of alleging forfeitures to the United States of America pursuant to 18 U.S.C. §981(a)(1)(C) and 28 U.S.C. §2461(c).

39. As a result of each of the offenses in Count(s) **One** through **Sixty-Seven** of the Superseding Indictment, the defendants, **RONALD L. ZULLIG** and **JEAN A. ZULLIG**, shall forfeit to the United States under 18 U.S.C. §981(a)(1)(C) and 28 U.S.C. §2461(c) any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses alleged in such counts, including but not limited to a sum of money equal to \$185,000.00 in United States currency which represents the profits to **RONALD L. ZULLIG** and **JEAN A. ZULLIG**, as outlined in Counts **One** through **Sixty-Seven** of the Superseding Indictment, in the form of a forfeiture money judgment.

Substitute Assets:

40. If any of the above-described forfeitable property in the Forfeiture Count, as a result of any act or omission of the defendants, **RONALD L. ZULLIG** and **JEAN A. ZULLIG**,

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with a third party;

- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

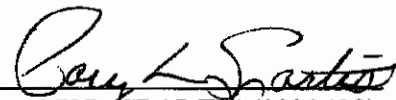
it is the intent of the United States, pursuant to 21 U.S.C. §853(p) as incorporated by 18 U.S.C. §982(b), to seek forfeiture of any other property of said defendants up to the value of the forfeitable property described above, that is the profits made by **RONALD L. ZULLIG** and **JEAN A. ZULLIG**.

A TRUE BILL.

s/foreperson

FOREPERSON

GREGORY G. LOCKHART
United States Attorney


GARY L. SPARTIS (0023428)
Deputy Criminal Chief